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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,887	07/19/2000	Alovs Wobben	3436-009	7103

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EXAMINER

PONOMARENKO, NICHOLAS

ART UNIT PAPER NUMBER

2834

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,887

Applicant(s)

WOBBEN, ALOVS

Examiner

Nicholas Ponomarenko

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-26 and 28-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The corrected or substitute drawings were received on December 16, 2002. The examiner has not approved these drawings for the reasons indicated below.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, electrical circuits for sensors measuring network frequency and voltage, power to the generator, etc., must be shown or the feature(s) canceled from the claim(s). The sensors as shown on the proposed sketches do not provide for a clear disclosure since no indication of their connections is provided. No new matter should be entered.
4. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

From the proposed drawing one of ordinary skill in the art would not be able to understand the claimed structure because Figures of the drawings are not interrelated and no explanation in the specification is provided that would enable ordinary artisan how to use or build the claimed invention.

5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. Applicant(s) are required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant(s) for amendment of the drawings to correct defects must consist of two parts:

- a) A separate letter to the Draftsman in accordance with MPEP § 608.02(r); and
- b) A print or pen-and-ink sketch showing changes in **red ink** in accordance with MPEP § 608.02(v).

IMPORTANT NOTE: The filing of formal drawings to correct the noted defect may be deferred until the examiner allows the application, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and **may not be deferred**.

Specification

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 16-26 and 28-38 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon the content of Amendment C, dated December 16, 2002.

9. Claims 16-26 and 28-38 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention. Applicant(s) failed to disclose how network voltage monitoring is done and used to control the generator. The provided disclosure is of a general ("textbook") nature and has no required details to enable the claimed invention.

10. Claims 16-26 and 28-38 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The sensing of the network voltage and controlling the generator are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 16-26 and 28-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16-26 and 28-38 are generally narrative and indefinite, failing to conform with current U.S. practice, because the language of the claims 16-26 and 28-38 do not provide desired clarity and precision, since the scope of the invention sought to be patented cannot be determined from the language of the claim with a reasonable degree of certainty. *In re Wiggins*, 488 F.2d 538, 179 USPQ 421 (CCPA 1973).

For example,

In claim 16 the phrase "reducing power level to lower level when voltage exceeds threshold value U1" does not provide for a clear disclosure, has no antecedent base or provide enablement to one of ordinary skill in the art to make or use the invention.

Same or similar confusion exist in claims 18, 21, 28, 31, 32, 36, 37 and 38.

The following phrases do not have antecedent bases:

In claims 18, 19, 21, 28, 31, 32, 33, phrase "reducing said power level..."

In claims 17, 20, 34, 37, 38 phrase "power level is maintained..."

In claims 36, phrase "increasing power level ...".

The remaining claims are indefinite because they depend on the rejected claim and do not correct the noted problem.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. As far as they can be understood, claims 16-26 and 28-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over referenced textbooks, and further in view of Doman et al. (US 4,695,736).

It is the understanding of the examiner that applicant claims a textbook feedback control system in which generator is controlled in dependence on the voltage at the loads, as taught by the referenced textbooks. But the textbooks fail to provide details of control circuits for a windmill, which are shown by Dorman et al.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to develop a method of operating a windmill generator, as taught by the referenced textbooks, and to add specific control elements, as taught by Dorman et al., in order to have an operational control system for a windmill, especially since applicant failed to show that his system is different from many commonly known, and it appears that the claimed invention is a design, which is within capabilities of one of an ordinary skill in the art.

Conclusion

15. This is a RCE of earlier Application with the same Serial No. All claims are drawn to the same invention claimed in the earlier application and have been finally rejected on the grounds and art of record in the next Office action as they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

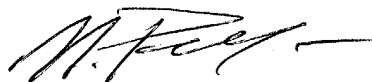
16. The prior art made of record and not relied upon is considered pertinent to applicant(s) disclosure.

17. When the claims are amended, applicant(s) should state in detail where in the original disclosure or in the drawings the amended features find support. **No new matter may be introduced.**

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Nicholas Ponomarenko** whose telephone number is **(703) 308-1776**.

19. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, , Mon. - Fri., 8 AM - 5:30 PM
Phone: (703) 308-0956
Fax: (703) 305-3431

np
April 16, 2003



Nicholas Ponomarenko
Primary Examiner
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